

AN ANALYSIS OF STATE LEGISLATION,
FEDERAL LEGISLATION AND JUDICIAL DECISIONS

PREPARED FOR

U.S. OFFICE OF FEDERAL ELECTIONS OF THE GENERAL ACCOUNTING
OFFICE

BY

AMERICAN LAW DIVISION OF THE CONGRESSIONAL RESEARCH
SERVICE, LIBRARY OF CONGRESS

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uses major election legislation, both Federal and state, and analyzes various Supreme Court, Federal, and state cases involving election matters. Each month beginning with February 1, a cumulative publication will be issued, a final cumulative edition will be issued in January.

The principal purpose of the Federal-State Election Law Survey is to furnish in the form of a brief analysis the essential provisions of state election laws and important court decisions in the election law field. As regards federal legislation, the Election Law Survey will provide a brief summary of pending public bills and resolutions dealing with election laws and include more detailed analyses of those bills that have been enacted. From time to time certain memoranda, reports, and decisions in the election law field will be included. It is hoped that the publications will give readers sufficient information concerning what our states, the Federal Government, and the court systems are doing in the election area.

The editors rely on the accuracy, the promptness, and the completeness of the State Legislative Reporting Service of Commerce Clearing House for copies of all state election laws. Unavoidably, there will be a time lag between the enactment of some laws and their publication in the Election Law Survey. Such laws will appear in a later issue. Should more information be desired by the reader, it might be necessary to contact the state legislature, congressional office, or court involved to obtain a complete version of the law, bill, or decision. The object of the publication is to give as much quantity, quality, and detail as time and space permit.

Each issue of the Federal-State Election Law survey encompasses the following sections:

Section I. State Session Laws--This section contains summaries of election laws recently enacted by the States. Under each state heading, state bills and resolutions, that have become laws, are listed first followed by the House bills and resolutions; the bills and resolutions are listed in numerical order. After each bill number, there are listed chapter number--if given--and the date on which the bill was approved and enacted into law.

Section III. Judicial Decisions--This section has three parts, a part dealing with analyses of U.S. Supreme Court cases dealing with election matters, a part concerning Federal lower court decisions, and a part concerning state court decisions. The analyses gives a brief statement of the holding of the case and analyzes the rationale and the issues involved in the decision including, where appropriate, important concurring and dissenting opinions.

Section IV. Other Election Material--This section includes certain materials, reports, and studies in the election field. There are also included analyses of certain State Attorney General opinions concerning election matters.

Index. All entries relating to legislation and court decisions are indexed.

The preparation of the Federal-State Election Law Survey is the responsibility of the American Law Division of the Congressional Research Service, Library of Congress under contract with the Office of Federal Elections of the General Accounting Office and under the Supervision of Charles Greenhalgh, Chief of the Clearing House on Election Administration. Thomas M. Durbin, Patricia Ann Fiori, and Rita A. Reimer are Editors. Gloria P. Sugars is the Research Production Assistant. Les Jayson, Director of the Congressional Research Service, Joseph B. Ross, Chief of the American Law Division, and Elizabeth Yadlosky, Assistant Chief, serve as Supervising Editors.

Com.-----Committee
D.-----District Court
F. 2d-----Federal Reporter, Second
F. Supp.-----Federal Supplement
HB-----House Bill (State)
HCR-----House Concurrent Resolution
H. Con. Res.-----House Concurrent Resolution
HF-----House File (State)
HJR-----House Joint Resolution (State)
H. J. Res.-----House Joint Resolution (Federal)
H. Rept.-----House Report (Federal)
HR-----House Resolution (State)
H. R.-----House of Representatives
H. Res.-----House Resolution (Federal)
LB-----Legislative Bill (State)
L. W.-----Law Week
S.-----Senate Bill (Federal)
SB-----Senate Bill (State)
SF-----Senate File (State)
SCR-----Senate Concurrent Resolution

S. Res.-----Senate Resolution (Federal)

Subcom.-----Subcommittee

U. S. (in citation to court decisions)-United States Supreme Court

U. S. C. -----United States Code

Wn. 2d-- -----Washington Reporter, Second Series

Commonwealth of
Virginia v. United
States, U.S.

_____ (1974), docket
number 74-481,
decided 1/27/75

Cousins v. Wigoda,
U.S. _____ (1975),
docket number 73-1106,
decided 1/15/75

Gangemi v. Sclafani,
506 F.2d 570
(C. A. 2, 10/29/74

Giacobello v. Board
of Borough of Mount
Union, Huntingdon
County, 322 A. 2d
429 (Commonwealth
Ct. of Pa. 1974)

Harris County Com-
missioners Court v.
Moore, U.S.
_____ (1975), docket number
73-1475, decided
2/18/75

Miller v. American
Telephone and Tele-
graph Company, 507
F.2d 759 (C.A. 3
11/4/74)

People Ex Rel. Downs
v. Adams, 59 Ill.

Voting Rights Act of 1965
- Exemption from Coverage

Political Parties - National
Conventions - Selection of
Delegates

Candidates - Removal of
Names from Ballots -
Voting Rights Act

Recount - Opening of Ballot
Boxes

Redistricting of Justice of
the Peace Districts -
Discrimination

Campaign Financing -
Corporate Contributions,
18 U.S.C. §610

Financial Disclosure
- Governmental Ethics

Rogers v. State
Election Board,
Sup. Ct. of Okla.,
No. 47, 998,
decided 12/16/74

Candidates - Late Filing
of Expenditure Reports

Roof v. Board of
Commissioners of
Hardin County, 314
N. E. 2d 172, 39
Ohio St. 2d 130 (1974)

Candidates - Arrangement
of Names on Ballots

Roseville Board
of Election Com-
missioners v.
Roseville City
Clerk, 220 N. W.
2d 181, 53
Mich. App. 477
(1974)

Ballots - Furnishing

White v. Edgar,
320 A. 2d 668
(Sup. Jud. Ct.
of Me. 5/7/74)

Criminal Offenders -
Absentee Voters

ANSAS

SB 115, Act 6, Approved 1/30/75

States that each signature on a petition calling for an election change the form of government of a municipality in order to be valid must have been signed within 180 days prior to the filing of the petition. Amends §19-111 of the Arkansas Statutes.

HB 107, Act 20, Approved 1/31/75

Sets forth procedures for holding a presidential preference primary on the same date as the regular primary election. States that at the first ballot of the National Convention of a party holding such a primary, the votes of the Arkansas delegates shall be cast for the various prospective nominees in the same proportion as they received in the presidential preference primary.

ISIANA

SB 7-x, Act 18, Approved 1/28/75

Establishes uniform procedure to be used in conducting elections to authorize the issuance of bonds, the assumption of indebtedness and the imposition or increase of taxes by subdivisions. Implements Article VI, §22 of the Louisiana Constitution of 1974.

Permits records required under State election law, conducted at any suitable state facility in the city of Concord by the Secretary of State. Amends §§59:95, 59:102 of the New Hampshire Revised Statutes.

SB 28, Chapter 1, Approved 1/22/75

Provides for a special election for the office of United States Senator to be held no sooner than 35 days and no later than 60 days after the United States Senate declares that a vacancy exists in the office of United States Senator from New Hampshire. the candidates at this election shall be John A. Durkin, Democrat; Louis C. Wyman, Republican; and Carmen C. Chiment, Independent Party. Amends the Governor's power to appoint a Senator to fill a vacancy in this office so that the appointee will serve until the special election is held, and states that he shall not appoint any of the above three candidates to fill the vacancy. Amends §63:3 of the New Hampshire Revised Statutes for this statute only.

NEW JERSEY

AB 2351, Chapter 11, Approved 2/6/75

Deletes the campaign financing reporting requirements for a candidate seeking election to a public office of a school district if the amount spent or to be spent in his behalf does not in the aggregate exceed \$1,000. However, requires such candidate to identify to the Election Commission the source and amount of any contribution(s) when the amount received from any one source in the aggregate exceeds \$100. Amends §19:44A-16 of the New Jersey Code.

Amends various voting registration procedures in light of the experience gained at the November 1974 General Election. For example, deletes the requirement for evening registration hours in municipalities having fewer than 12,000 persons; limits in-person registration to the period preceding the primary election; simplifies and streamlines the voter registration form; and states that a telephone request for a mail registration form will be honored. Amends §§19:31-2 and 19:31-6 of the New Jersey Revises Statutes and §§16 and 21 of Pub. L. 1974, c. 30.

1974. Most of the provisions of the law became effective on January 1, 1975. Extensive amendments were made by Public Law 93-443 to the laws dealing with campaign financing as well as to those dealing with registration, reporting, and disclosure requirements. The following analysis summarizes the present federal law in these areas as amended by Public Law 93-443.

It should be noted that the newly created Federal Election Commission is authorized to promulgate rules and regulations needed to implement and enforce the provisions of the federal campaign finance

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3. House Candidates

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II. Income Tax Deduction and Credit for Political Contributions

limit the amount which a federal office candidate or his immediate family could contribute from their own personal funds to the candidate's campaign. By virtue of Pub. L. 93-443, in addition to the limitation on personal and family contributions, present federal law also limits the amount which individuals, political committees, and other groups can contribute to a candidate's federal office campaign.

A. OVERALL CONTRIBUTIONS LIMITATION
(18 U.S.C. §608(b))

Individuals

- \$1,000 - Individuals may contribute up to \$1,000 to a federal office candidate separately for each nominating convention, primary election, special election, runoff election or general election in which the candidate runs.
- \$25,000 - Individuals may contribute up to an aggregate amount of \$25,000 to all federal office candidates, political committees, etc. in connection with a federal general election or all related nominating conventions, primary elections, runoff elections, and special elections combined.

1,000 - Political committees (other than a candidate's own principal campaign committee) which do not qualify for the \$5,000 limitation may contribute up to \$1,000 to a federal office candidate separately for each nominating convention, primary election, special election, runoff election or general election in which the candidate runs.

5,000 - Political committees (other than a candidate's own principal campaign committee) may contribute up to \$5,000 to a federal office candidate separately for each nominating convention, primary election, special election, runoff election or general election in which the candidate runs if the political committee has:

1. been registered for 6 months or more with the Commission
2. received contributions from 50 or more persons
3. contributed to 5 or more federal office candidates except for a State party organization

unlimited - No limitation is placed on the amount a candidate's principal campaign committee may contribute to that candidate's own campaign.

No limitation is placed on the amount of aggregate contributions which a political committee may make.

Sub-units of Political Committees

Each level and each subsidiary of a political committee is permitted to make separately the maximum allowable contribution to a federal office candidate if the decision to make political contributions is independently exercised within the different levels of the Committee. However, if the sub-units of the organization are under the control of the parent committee with respect to their contributions to any specific candidate, then the entire organization acting in concert would constitute one political committee. As such, the entire committee, including the national, State, and local levels, would only be permitted to contribute the maximum allowable amount to any one candidate.

\$1,000 - Partnerships, associations, or other organizations or groups of persons may contribute up to \$1,000 to a federal officeholder or candidate separately for each primary election, special election, runoff election, general election or nominating convention in which the candidate runs.

B. COMPUTATION OF CONTRIBUTIONS COUNTED TOWARD LIMITATION

Contributions are counted toward a person's limitation if the person exercises any direct or indirect control over the making of the contribution.

For those contribution limitations which apply separately to each election, all elections relating to the nomination of a Presidential candidate count as one election.

Earmarked contributions by a person to a candidate are treated as contributions to the designated candidate from the original source for purposes of contribution limitations and the original source and the recipient of an earmarked contribution must be reported in the intermediary's campaign disclosure reports.

Contributions to a candidate through a political committee with written authorization to accept contributions on candidate's behalf are considered contributions to the candidate.

Contributions to a Vice Presidential candidate of a political party are considered contributions to that party's Presidential candidate.

NOT COUNTED as a contribution are the following campaign activities: (1) volunteer services to a candidate or political committee; (2) cost of invitations and refreshments voluntarily provided at individual's residence, individual's voluntary unreimbursed travel expenses, sale of food or beverage for use in a campaign by a vendor at lower than normal price, but at least at cost, so long as such activities do not each value more than \$500 for candidate per nomination convention, primary, special, runoff or general election; (3) cost to State political committee for making and distributing slate cards, other printed listings of 3 or more candidate in that State, so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising. (See 18 U.S.C. §591(e))

C. PERSONAL AND FAMILY CONTRIBUTIONS
(18 U.S.C. §608(a))

Pub. L. 93-443 clarified the language of the statute limiting the contributions contributed by a candidate or a member of his family from the candidate's personal funds by stipulating that the limitation applies to the aggregate of contributions made for both the candidate's primary and general election campaigns. In addition, loans made from personal or family funds must conform to certain requirements.

1. Amounts

A federal office candidate may not make contributions or expenditures from his own personal funds or from the personal funds of his immediate family toward both his nomination and general election campaign combined, which contributions or expenditures in the aggregate

\$50,000 - Presidential or Vice Presidential candidate

\$35,000 - Senatorial candidate

\$25,000 - House candidate

Immediate family members are also subject to the general contribution limitation applicable to all individuals. Thus, if a candidate, before he becomes a candidate, does not have access to funds belonging to a family member, that family member may not give the candidate access to those funds for the purpose of the candidate's drawing upon them up to the maximum limit placed upon contributions from a candidate's own personal funds. Instead, the family member has the option of either contributing funds under his control to the candidate's campaign up to the allowable amount for an immediate family member, or adhering to the \$1,000 contribution limitation applicable to all individuals. Hence, the candidate is not permitted to contribute to his own campaign the maximum amount allowable from his personal funds which were transferred to him from an immediate family member after he became a candidate, and in addition to the \$1,000 contribution limitation. On the other hand, if a candidate has access to the funds of an immediate family member before he becomes a candidate, he may draw upon those funds up to the

Loans or advances from personal or family funds to a federal of candidate's own campaign must be evidenced by a written instrument fully disclosing the terms and conditions of the loan or advance.

Only the unpaid balance of such loans or advances will be included in computing the total amount of personal or family contributions to the candidate.

D. WHAT IS A "CONTRIBUTION" UNDER CRIMINAL PROVISIONS
(18 U. S. C. §591(e))

L. 93-443 amended the definition of "contribution" for purposes of criminal campaign financing provisions by specifying that the first \$500 of certain in-kind contributions, such as voluntarily providing food and beverages for campaign purposes at an individual's residence, will be counted as a contribution. Thus, present federal law defines the term "contribution" under criminal campaign financing provisions to mean:

1. gift, subscription, loan, advance or deposit of money or anything of value to influence a federal office nomination or election
2. express or implied contract, promise or agreement to make a contribution for such purpose
3. funds transferred to a political committee
4. payment by a person, other than a candidate or a political committee, of compensation for services of another person who rendered such services to the candidate or committee without charge
5. EXCLUDED from the definition of contribution are:

- a. volunteer services to a candidate or political committee
- b. the following in-kind contributions up to a value of \$500 per candidate for each type of contribution for every nominating convention, primary, runoff, special or general election in which the candidate runs:

- (1) cost of invitations, refreshments and use of property voluntarily provided at an individual's residence;
- (2) unreimbursed travel expenses of a volunteer
- (3) sale of food or beverage for use in a candidate's campaign by a vendor at lower than normal price, but at least at cost

- c. cost to State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising

EXPENDITURE LIMITATIONS

At the time of the enactment of Pub. L. 93-443, federal law imposed a limitation only on a candidate's media expenditures in connection with a federal office campaign. Under Pub. L. 93-443, the media expenditure limitations were repealed. There is now a limitation on the overall amount which a candidate may spend in his campaign, the amount which political party committees may spend on a campaign, and the amount of independent campaign expenditures which a person may make.

A. CANDIDATE EXPENDITURE LIMITATIONS (18 U.S.C. §608(c))

Candidates are limited in the amount which they may spend on their nomination and general election campaigns on the basis of the office sought. However, because of the definition of the term "expenditure," fundraising costs equalling up to 20% of a candidate's expenditure limitation are considered to be an expenditure. Thus, in addition to the basic allowable expenditure, candidates may spend a supplemental 20% of their expenditure limitation. This means that, in effect, a candidate's actual expenditure limitation is 20% greater than the basic expenditure limitation, except where a Presidential candidate elects to take public funds.

Presidential Candidates

The amounts allowed for fundraising costs will be reduced proportionately according to the amount of public funding the Presidential candidate receives. Fundraising costs are only allowed for funds raised from private sources.

a. Nomination:

1. Nationwide - \$10 million, plus up to \$2 million for fundraising
2. Per State - In any one State, limited to twice the amount which a Senatorial candidate may spend on nomination in that State

b. Election: \$20 million, plus up to \$4 million for fundraising

Candidates may spend the appropriate amounts separately for nominating convention, primary, special, runoff or general election if they run.

- a. Nomination: Greater of -
 - 1. 8 cents per voting age in State, plus 1.6 cents per person for fundraising or
 - 2. \$100,000, plus \$20,000 for fundraising
- b. Election: Greater of -
 - 1. 12 cents per voting age person in State, plus 2.4 cents per voting age person for fundraising; or
 - 2. \$150,000, plus \$30,000 for fundraising

3. House Candidates

Candidates may spend the following amounts separately for each nominating convention, primary, special, runoff or general election if they run.

- a. \$70,000, plus \$14,000 for fundraising -

For campaign for nomination or campaign for election in
a State entitled to more than one Representative

- b. Senatorial candidate limits apply, if from a State entitled to one Representative

B. COMPUTATION OF EXPENDITURES COUNTED TOWARD CANDIDATES LIMITATION

Expenditures are counted toward a candidate's limitation if they are made by a committee, agent or other person authorized by the candidate to make expenditures.

Federal Election Commission will prescribe rules under which expenditures by Presidential candidates for use in 2 or more States will be attributed to the limitation in each State, based on the voting age population in each State.

Expenditures by a Vice Presidential candidate of a political party are considered to be expenditures by that party's Presidential candidate.

Expenditure limitation amounts will be increased annually as the Consumer Price Index increases.

NOT COUNTED as an expenditure are (1) news stories and editorials; (2) nonpartisan voter registration activity; (3) communications between an organization or corporation and its members; (4) the cost of invitations and refreshments voluntarily provided at an individual's residence, and individual's voluntary unreimbursed travel expenses so long as such activities do not each value more than \$500 per candidate per nominating convention, primary, runoff, special or general election. (18 U.S.C. §591(f))

C. INDEPENDENT EXPENDITURE LIMITATIONS (18 U.S.C. §608(e))

000 - Expenditure by a person (other than an expenditure made on behalf of a candidate) relative to a clearly identified candidate during one year advocating the election or defeat of such candidate.

National committee of a political party in connection with the general election campaign of the party's candidate for President may not expend more than 2 cents per person of voting age in the United States in addition to any amounts which the committee may expend as a Presidential candidate's principal campaign committee.

National committee of a political party may not expend more than \$2 million in connection with a Presidential nominating convention, regardless of whether or not the committee accepts public financing for the convention. (26 U. S. C. §9008(c))

National committee and State committees including all branches and subsidiaries of a political party in connection with the party's congressional candidates in a State may each expend up to:

- a. 2 cents per person of voting age in the State or \$20,000, whichever is greater in the general election campaign of a Senator or Representative, if the State is entitled to only one Representative
- b. \$10,000 in the general election campaign of a Representative from a State entitled to more than one Representative

Expenditure limitation amounts will be increased annually as the Consumer Price Index increases.

Fundraising costs of a political committee which qualifies for the \$5,000 limitation are not considered an expenditure except for costs incurred by fundraising through broadcasting stations, newspapers, magazines, outdoor advertising facilities and similar types of general public advertising. However, costs incurred on behalf of a clearly identified candidate would be attributed to that candidate and be counted toward the contribution limitation for the candidate. (18 U. S. C. §591)

of campaign financing laws by stipulating that certain activities, such as nonpartisan voter registration, will not be counted as expenditures to influence a federal office election. Thus, present federal law defines the word "expenditure" under criminal campaign financing provisions to mean:

gift, purchase, payment, distribution, loan, advance, or deposit of money or anything of value to influence a federal office nomination or election;
express or implied contract, promise or agreement to make an expenditure for such purpose;
funds transferred between political committees;
EXCLUDED from the definition of expenditure are:

- a. news story or editorial distributed through a broadcast station, newspaper, magazine or other periodical not controlled by a political party, committee or candidate;
- b. communication by a non-political organization or corporation to its members or stockholders;
- c. nonpartisan voter registration activity;
- d. the following expenditures up to a value of \$500 per candidate for each type of expenditure for every nominating convention, primary, runoff, special or general election in which the candidate runs:
 - (1) cost of invitations, refreshments, and use of property voluntarily provided in an individual's residence;
 - (2) unreimbursed travel expenses of a volunteer
- e. payment by State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising;
- f. communication not made for the purpose of influencing an election;
- g. fundraising costs of a candidate up to 20% of the candidate's overall expenditure limitation (but such costs must be reported);
- h. fundraising costs of a political committee which qualifies for the \$5,000 contribution limitation except for costs for fundraising through broadcast stations, newspapers, magazines, or other public political communication.

WHAT IS A "CANDIDATE" UNDER CRIMINAL PROVISIONS
(18 U.S.C. §591(b))

L. 93-443 did not amend the definition of "candidate" under the federal criminal campaign financing provisions. Under those provisions the term "candidate" continues to mean:

an individual who seeks nomination or election to federal office and who has either:

1. taken action necessary under State law to qualify for nomination or election; or
2. received contributions or made expenditures with a view to bringing about his nomination or election to federal office or gave another person consent to receive such contributions or make such expenditures.

WHAT IS A "POLITICAL COMMITTEE" UNDER CRIMINAL PROVISIONS

(18 U.S.C. §591(d))

L. 93-443 amended the definition of "political committee" to include groups of individuals and not one individual acting on his own, as the case under the previous language of the statute. Thus, under present federal criminal law, the term "political committee" means:

any committee, club, association, or other groups of persons receiving contributions or making expenditures which exceed \$1,000 per calendar year.

HOW LONG IS THE STATUTE OF LIMITATIONS

(2 U.S.C. §455)

L. 93-443 lowered the statute of limitations from 5 years to 2 years for prosecuting campaign disclosure violations and criminal campaign financing provisions found at 18 U.S.C. §§608, 610, 611, 613 through

HOW MAY SURPLUS CAMPAIGN FUND BE USED

ounts received by a candidate in excess of amounts necessary to y campaign expenditures and any amounts contributed to an indivi support his activities as a federal officeholder may be used to y ordinary expenses incurred in connection with his duties as a f officeholder, or may be contributed to a charitable organization y be used for any other lawful purpose. The disposition of the s funds must be reported. (2 U.S.C. §439a) This provision ha ect on the rules of the Senate or House dealing with the use of f eived as political contributions. House Rule No. XLIII, parag provides that unless specifically provided by law, a Member may vert campaign funds to his personal use except to reimburse p npaign expenditures; nor may he expend campaign funds on other a fide campaign purposes. Senate Rule No. XLII, paragraphs 2 provides that a Senator may use political contributions only to influ nomination or election, except that he may use them for travel to m his home State, for expenses for mailing speeches, newsletters, orts to constituents, for radio, television, and news media met reporting to constituents, for telephone, telegraph, and stationary ses exceeding his allowance, and for newspaper subscriptions f home State. Pub. L. 93-191, dealing with the franking privil vides that the cost of preparing frankable matter may be der m campaign funds. In addition, under Pub. L. 93-625, a fund e shed exclusively for the preparation or circulation of newsletters s taxed as if the fund constituted a political organization. Thu would be imposed on a newsletter fund's income from investme reciated property, and business activities.

A. CONTRIBUTIONS OR EXPENDITURES IN VIOLATION OF LIMITATIONS

(18 U.S.C. §608(b))

Under the virtue of Pub. L. 93-443, under federal law, it is a crime for a candidate, political committee or officer or employee of a political party to knowingly make an expenditure or accept a contribution in violation of the limitations on contributions and expenditures. The crime is punishable by one year in prison and a \$25,000 fine.

B. FOREIGN NATIONAL CONTRIBUTIONS

(18 U.S.C. §614)

Federal law prohibits foreign nationals not lawfully admitted to the United States for permanent residence from making political contributions in connection with any nomination or election to public office. The crime is punishable by five years in prison and a \$25,000 fine. Prior to amendment by Pub. L. 93-443, the statute prohibited such contributions only by foreign principals.

C. CONTRIBUTIONS IN THE NAME OF ANOTHER

(18 U.S.C. §614)

Federal law prohibits political contributions by one person in the name of another. Under Pub. L. 93-443, the punishment for such a crime has been increased to one year in prison and a \$25,000 fine.

D. CASH CONTRIBUTIONS

(18 U.S.C. §615)

Contributions aggregating over \$100 with respect to a candidate in a campaign for nomination or election to federal office are prohibited by Pub. L. 93-443. The crime is punishable by one year in prison and a \$5,000 fine.

lected or appointed officers of the Federal government are prohibited from accepting any honorarium of more than \$1,000 for each separate appearance, speech or article or honorariums aggregating more than \$1,000 during one year. This provision was added by Pub. L. 93-443, which also makes the crime punishable by a \$1,000 to \$5,000 fine. Compensation for books is not included in the limitation. Also actual travel and subsistence expenses are excluded.

F. MISREPRESENTATION OF CAMPAIGN AUTHORITY (18 U.S.C. §617)

Federal office candidates, their employees or agents are prohibited by Pub. L. 93-443 from fraudulently misrepresenting themselves as acting on behalf of any other candidate, committee or political party in a manner which is damaging to such other candidate or party. This offense is punishable by one year in prison and a \$25,000 fine.

G. GOVERNMENT CONTRACTOR CONTRIBUTIONS (18 U.S.C. §611)

Pub. L. 93-443 clarified the law prohibiting United States government contractors from making political contributions by stipulating that corporations and labor organizations having contracts with the United States government are permitted to maintain separate, segregated funds for the purpose of making political contributions or expenditures so long as such funds are established in accordance with 18 U.S.C. §610.

93-443, the punishment for such a contribution has been increased to \$25,000 for a corporation or labor union, \$1,000 and one year in prison for nonwilful violation by corporate or union officials, and \$50,000 and two years in prison for wilful violations by corporate or union officials.

I. PROVISIONS IN 18 U.S.C. NOT CHANGED BY PUB. L. 93-443

In addition to the criminal campaign financing provisions amended or added to federal law by Pub. L. 93-443, several provisions prohibiting candidates from accepting contributions or engaging in certain conduct remain in effect. These laws provide as follows:

1. Federal congressional candidates are prohibited from soliciting or receiving political contributions from federal government employees, except that solicitations directed to the general public do not violate the law if they unintentionally reach Government employees within the area solicited. (18 U.S.C. §602)
2. It is illegal to solicit political contributions from persons known to be on work relief made possible by an act of Congress. (18 U.S.C. §604)
3. Receipt of names of persons on work relief made possible by an act of Congress, by a political candidate, committee or campaign manager is prohibited. (18 U.S.C. §605)
4. Wilful publication or distribution of any pamphlet, poster, advertisement or other statement relating to a federal office candidate without the name of the persons responsible for the publication is a crime. (18 U.S.C. §612)
5. Violation of Title III of the Act, which deals with such matters as campaign disclosure reports, requirements concerning political committees, use of the frank, use of surplus campaign funds, etc. is a criminal offense. (2 U.S.C. §441)
6. Certain activities, such as making excess campaign expenditures or accepting excess private contributions, relating to the public financing of Presidential campaigns are illegal. (These provisions received minor amendments under Pub. L. 93-443 and were also expanded to cover Presidential candidates receiving matching payments for primary contributions. (See 26 U.S.C. §§9012 and 904

L. 93-443 amended the definition of "contribution" under campaign disclosure laws by specifying that certain contributions, such as the first \$500 of in-kind contributions consisting of voluntarily providing food or beverages at an individual's residence, need not be reported by a federal office candidate. Thus, present federal law defines the word "contribution" for purposes of campaign disclosure provisions to mean:

gift, subscription, loan, advance or deposit of money or anything of value to influence a federal office nomination or election; express or implied contract, promise or agreement to make a contribution for such purpose; funds transferred to a political committee; payment by a person, other than a candidate or a political committee, of compensation for services of another person who rendered such services to the candidate or committee without charge. EXCLUDED from the definition of contribution are:

- a. volunteer services to a candidate or political committee
- b. the following in-kind contributions up to a value of \$500 per candidate for each type of contribution for every nominating convention, primary, runoff, special or general election in which the candidate runs:
 1. cost of invitations, refreshments, and use of property voluntarily provided at an individual's residence;
 2. unreimbursed travel expenses of volunteer;
 3. sale of food or beverage for use in a candidate's campaign by a vendor at lower than normal price, but at least at cost
- c. cost to State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising;
- d. payments or obligations incurred by a corporation or labor union through other than a separate segregated fund.

L. 93-443 amended the definition of "expenditure" for the purposes of campaign disclosure laws by stipulating that certain activities, such as nonpartisan voter registration, need not be reported as an expenditure by a federal office candidate. Thus, present federal law defines the word "expenditure" under campaign disclosure provisions to mean:

gift, purchase, payment, distribution, loan, advance or deposit of money or anything of value to influence a federal office nomination or election;

express or implied contract, promise or agreement to make an expenditure for such purpose;

funds transferred between political committee;

EXCLUDED from the definition of expenditure are:

- a. news story or editorial distributed through a broadcasting station, newspaper, magazine or other periodical not controlled by a political party committee or candidate;
- b. communication by a non-political organization or corporation to its members or stockholders;
- c. nonpartisan voter registration activity
- d. the following expenditures up to a value of \$500 per candidate for each type of expenditure for every nominating convention, primary, runoff, special or general election in which the candidate runs:
 - (1) cost of invitations, refreshments and use of property voluntarily provided in an individual's residence;
 - (2) unreimbursed travel expenses of a volunteer
- e. payment by State political committee for making and distributing slate cards or other printed listings of 3 or more candidates in that State so long as costs are not incurred to display such listings on broadcast stations, in newspapers or magazines or by similar general public advertising;
- f. communication not made for the purpose of influencing an election;

PROVISIONS

(2 U. S. C. §431(b))

Pub. L. 93-433 did not amend the definition of "candidate" under the federal campaign disclosure provisions. Under those provisions, the "candidate" continues to mean:

An individual who seeks nomination or election to federal office who has either:

1. taken action necessary under State law to qualify for nomination or election; or
2. received contributions or made expenditures with a view to winning about his nomination or election to federal office or another person consent to receive such contributions or such expenditures.

IV. WHAT IS A "POLITICAL COMMITTEE" UNDER CAMPAIGN DISCLOSURE PROVISIONS

(2 U. S. C. §431(d))

Pub. L. 93-443 amended the definition of "political committee" under the campaign disclosure provisions to include only groups of individuals and not one individual acting on his own, as was the case under the previous language of the statute. Thus, under present federal campaign disclosure law, the term "political committee" means:

Any committee, club, association or other groups of persons receiving contributions or making expenditures which exceed \$1,000 per calendar year.

V. POLITICAL COMMITTEES

Pub. L. 93-443 amended previous federal laws concerning political committees by changing the recordkeeping requirements for contribution limits to \$1000 per year, increasing the contribution limit to \$1000 per year, and by requiring that each federal office candidate contribute to a principal campaign committee and campaign depositories. Amendments changed the dates on which campaign disclosure reports must be filed and also changed the contents of those reports. In addition, Pub. L. 93-625, enacted on January 1, 1975, imposes a tax on the income earned by political organizations.

A. ORGANIZATION AND RECORDKEEPING (2 U.S.C. §432)

Federal statutes require that, prior to accepting contributions or expenditures, every political committee must have a chairman and a treasurer, who must authorize expenditures by the committee. The treasurer must keep an account of all contributions to and expenditures from the committee, in addition to preserving itemized receipts of contributions which exceed \$100 per year to one person. Further, a political committee which solicits contributions or makes expenditures must include on the front page of its literature a notice that the committee is not authorized by the candidate. In addition to keeping a record of the date and amount of each contribution, under amendments to Pub. L. 93-443, the treasurer of a political committee is required to keep a record of the name and address of each contributor giving more than \$100 and for those giving more than \$100, a record of their occupation and principal place of business must be kept. The date and amount of each expenditure must also be recorded, as well as the name and address of the person to whom the expenditure is made.

By virtue of Pub. L. 93-443, each federal office candidate, other than a Vice Presidential candidate, is required to designate a principal campaign committee. A principal campaign committee may only serve one candidate, except that a Presidential candidate of a political party may designate the national committee of that party as its principal campaign committee. All political committees which receive contributions or make expenditures on behalf of a candidate must file their campaign disclosure reports with the candidate's principal campaign committee. The principal campaign committee then has the duty to compile such reports and, along with its own campaign disclosure reports, file them with the Commission.

C. REGISTRATION OF POLITICAL COMMITTEES (2 U.S.C. §433)

Since the enactment of Pub. L. 93-225 in 1972, federal law requires that each political committee which anticipates receiving contributions or making expenditures exceeding \$1,000 during the year must file a statement with the Commission within 10 days of its formation. These statements must disclose such information as the area in which the committee operates, the candidates whom the committee is supporting, and the disposition of the funds which will be made if the committee dissolves. In addition, a political committee must give notification of its disbanding. Under amendments made by Pub. L. 93-443, political committees, other than principal campaign committees, must file their reports and notifications with the principal campaign committee of the candidate whom they are supporting, rather than with the Commission or supervisory officer.

D. TAXATION OF POLITICAL COMMITTEES

By virtue of Pub. L. 93-625, a tax is imposed on political organizations for income from investments, sales of appreciated property, and business activities. It is required that such organizations pay tax on income only on that (1) acquired through political contributions or political fundraising activities and (2) used to influence the outcome of an election. (U.S.C. §527) In addition, all political organizations must file income tax returns in years when they have any taxable income; however, political committees are exempt from filing income tax returns in years when

CAMPAIGN DEPOSITORIES

(2 U.S.C. §437b)

amendments by Pub. L. 93-443, each federal office candidate is required to designate one or more national or state banks as campaign depositories. The candidate's principal campaign committee and any other committees authorized to receive contributions and make expenditures on behalf of the candidate must each maintain a checking account at a depository designated by the candidate. All contributions received by the committee must be deposited into that committee's checking account. Expenditures, except for petty cash expenditures, by the committee must be made by check drawn on the committee's account. In addition, presidential candidates must deposit their public financing payments into a designated checking account of their principal campaign committee. A presidential candidate may establish in each State one depository which may be considered the campaign depository for that State by his principal campaign committee and by any other committees authorized to accept contributions or make expenditures for the candidate. The treasurer of a political committee not authorized to accept contributions or make expenditures for a candidate must designate one or more national or state banks as campaign depositories of the committee. A checking account must be maintained at each depository. All contributions to the committee must be deposited in those checking accounts and all expenditures must be drawn on those accounts. A political committee may maintain a petty cash fund from which expenditures not exceeding \$100 per month may be made. A record of petty cash transactions must be maintained by the Commission.

... federal office candidates and political committees supporting them are required under federal law to file campaign disclosure reports. Public Law 93-443 amended federal laws dealing with the date on which such reports must be filed and the contents of those reports. In addition, it extended the reporting requirements to groups which influence the outcome of a federal election. (Note: Committees or organizations dealing with the financing of national political party conventions must also file financial statements, see p. 34.)

A. WHO MUST FILE REPORTS

Federal office candidates (2 U.S.C. §434 (a));

Political committees supporting federal office candidates (2 U.S.C. §434(a));

Individuals or persons making contributions or expenditures aggregating \$100 or more per year, not including political committees or candidates, if such contributions or expenditures are made other than by contribution to a political committee or candidate and if they are made in connection with a federal election (2 U.S.C. §434(e));

Persons (other than individuals) who, in connection with a federal election, expend funds or commit acts directed at the public for the purpose of influencing the outcome of an election or who publish or broadcast material referring to a candidate, including advocating his election or defeat, setting forth the candidate's position on an issue, or his voting record or other official acts, except that this requirement does not apply to United States government publications, or genuine news stories, editorials, or commentaries distributed through a broadcast station or a bona fide newspaper, magazine or periodical [such groups must also register as political committees] (2 U.S.C. §437a).

EXEMPTION FROM CAMPAIGN DISCLOSURE REQUIREMENTS (2 U.S.C. §436(b)):

The Commission may relieve candidates and committees of the obligation to file campaign disclosure reports as follows:

- a. Any category of candidates may be exempted if the Commission determines that to do so would be consistent with the purposes of the Act;
- b. Any category of political committees may be exempted if the

(1) primarily support persons seeking state or local office.

Federal law requires the disclosure of the following information:

1. Cash on hand at the beginning of reporting period;
2. Name and address of every contributor giving more than \$100 per year (including the purchasers of tickets for fundraising events) along with the amounts and dates of such contributions;
3. Total sum of contributions from contributors giving \$100 or more per year;
4. Transfers of funds between candidates, between political committees and between candidates and political committees, along with the amounts and dates of such transfers;
5. Amounts and dates of loans to or from any person giving more than \$100 per year, as well as the name, address, location, and principal place of business of the lender, endorser, and guarantors;
6. Proceeds from the sale of tickets to fundraising events, or from the sale of political items, and the sale of political items, literature, and similar materials;
7. Each contribution, rebate, refund or other receipt exceeding \$100 and not otherwise listed;
8. Sum of all receipts by or for such committee or candidate during the reporting period, together with total receipts less transfers between political committees which support the same candidate and do not support other candidates;
9. Name and address of each person to whom expenditures exceeding \$100 per year have been made, along with the amount, date, purpose of the expenditure and the name, address, and office of the person by the candidate on whose behalf the expenditure was made;
10. Name and address of each person to whom an expenditure exceeding \$100 for personal services, salaries, and reimbursed expenses has been made, as well as the amount, date, and purpose of the expenditure, if such information is not otherwise listed;
11. Sum of expenditures made during the year, together with transfers between political committees which support the same candidate and do not support other candidates;
12. Amount and nature of debts and obligations owed by or for such committee, along with a statement of the circumstances and conditions under which the debt was extinguished, including the date of payment.

itures shall be reported in separate schedules. The Commission to prescribe regulations setting forth the exact manner in which they are to be reported;

Amounts received by a candidate in excess of amounts necessary to defray campaign expenditures and any amounts contributed to an individual to support his activities as a federal officeholder may be used to defray ordinary expenses incurred in connection with his duties as a federal officeholder, or may be contributed to a charitable organization, or may be used for any other lawful purpose; however, the deposition of such amounts must be reported.

EXCLUDED from the reporting requirements are:

1. Value of photographic, matting or recording services furnished to a Member of Congress by the Congressional Recording Studios, except for recording services furnished during the calendar year before the year in which the Member's term expires;
2. Value of services to a Member of Congress by an individual employed by the House or Senate;
3. Value of services to a Member of Congress if the services were paid for by the Republican or Democratic Senatorial Campaign Committees or by the Republican or Democratic Congressional Committees.

1. ELECTION YEARS:

- a. Quarterly reports - 10th day after the close of a quarter in which candidate or committee received or made expenditures exceeding \$1,000;

April 10 - Complete as of March 31
July 10 - Complete as of June 30
October 10 - Complete as of September 30
January 10 - Complete as of December 31

- b. Before and after election reports - 10 days before and after each nominating convention, primary, runoff election, general election, complete as of 15 days before election after election (if mailed, before election reports marked 12th day before election);

- c. Waiver of reporting date - where quarterly reports in 10 days of an election, it need not be filed.

2. NON- ELECTION YEARS:

- a. Quarterly reports - Due as in election years, last quarter

- b. Annual report - Due by January 31 of the following year, complete as of the close of the year for which reported

3. LATE CONTRIBUTIONS: Contributions of \$1,000 or more after the 15th day but more than 48 hours before an election must be reported within 48 hours of receipt.

4. MONTHLY REPORTING: Commission may waive the reporting dates for Presidential candidates and political committees in more than one State and replace them with monthly reports.

5. CUMULATIVE REPORTING: Reports must be cumulative for the calendar year to which they relate, but where there is a change in a reported item since the last report during the year, the amount needed will be carried forward.

6. INACTIVE STATUS: Where no contributions or expenditures have been accepted or expended during a calendar year, the committee or candidate must file a statement to that effect.

7. POSTMARK DATE: where reports are filed by registered mail, the postmark date shall be the date of filing.

D. WHERE MUST REPORTS BE FILED

Generally, all reports are to be filed directly with the Commission except that a candidate's principal campaign committee will receive copies of reports from other political committees accepting contributions and making expenditures on behalf of the candidate. The principal campaign committee then file such reports and statements together with its own report. In addition, a copy of each report must be filed with the Secretary of State (or equivalent State officer) in each State where a Presidential candidate makes an expenditure and in each State where a congressional candidate is running for office.

E. CONVENTION FINANCING REPORTS (2 U.S.C. §437)

Committees or organizations which:

1. Represent a State or its subdivision, or any group of persons in dealing with national political party officials with respect to matters involving a Presidential nominating convention in such State or subdivision; or
2. Represent a national political party in making arrangements for the party's Presidential nominating convention

must file with the Commission a financial statement on the sources of funds and the purposes for which the funds were expended. Such statements must be in the form and detail prescribed by the Commission.

F. PENALTIES FOR FAILURE TO REPORT

1. Criminal: Any person violating the campaign disclosure requirements is subject to a fine of \$1,000 and imprisonment for one year (2 U.S.C. §441)
2. Disqualification from Candidacy - Failure to file a campaign disclosure report, where prosecution of such failure is not barred by statute of limitations, may result in barring the candidate from being a candidate in a future election for federal office.

VIII. CAMPAIGN ADVERTISING
(2 U.S.C. §435)

- A. Charge for Space: Newspaper or magazine selling space date for campaign use may not charge an amount exceeding amount charged for such space for other purposes;
- B. Notification: Political committees must include on the back of all literature and advertisements soliciting political contributions a notification that the committee's campaign disclosure report is filed and is available from the Federal Election Commission.

IX. SOLICITATION OF CAMPAIGN CONTRIBUTIONS BY FIRST CLASS MAIL

(2 U.S.C. §435)

Under Pub. L. 93-443, Members of Congress are prohibited from making mass mailings under their frank to make solicitations of funds. Under law, Pub. L. 93-191, enacted in 1973, mass mailings under a frank are prohibited less than 28 days prior to a primary or general election in which the member is a candidate.

. Members -

- a. Secretary of the Senate, without the right to vote
- b. Clerk of the House, without the right to vote
- c. Two members appointed by President pro tempore of Senate, upon recommendation of majority and minority leaders, with the confirmation by a majority of both Houses of Congress
- d. Two members appointed by Speaker of the House, upon recommendation of majority and minority leaders, with the confirmation by a majority of both Houses of Congress
- e. Two members appointed by the President with the confirmation by a majority of both Houses of Congress

. Political Affiliation - Each of the two members appointed by the President, the Speaker of the House, and the President pro tempore of the Senate, respectively, may not be from the same political party

. Terms - Members serve 6 year terms, except that those first appointed serve terms of staggered length

. Qualifications - Members are to be chosen on the basis of experience, integrity, and impartiality and may not at the time of their appointment be elected or appointed officers or employees of the federal government

UTIES AND POWERS

. Reporting Requirements - Reports by candidates, political committees, and other persons required to make campaign disclosures under this Act are to be filed with the Commission. In connection with these duties the Commission must develop and furnish prescribed forms for the making of reports, along with a manual of recommended methods of bookkeeping. It must also develop a filing and cross-indexing system, as well as a cumulative index of the reports. The Commission has the duty to make each report available for public inspection within 2 days of its filing. Such reports must be preserved for 10 years, except that those

- B. Public Financing - Commission to certify candidates for public financing, to audit expenditures, etc. (26 U.S.C. § 3031)
- C. Policy-making, Investigatory, Regulatory, and Enforcement Functions -

1. Policy - Commission is to formulate policy with certain federal criminal provisions relating to political activities, i.e. §§ 610, 611, 613 through 617 of Title 18, U.S.C. Code. (2 U.S.C. § 437c(b))
2. Regulatory - Commission has the power to promulgate rules and regulations to carry out the provisions of the Act. (2 U.S.C. § 437d(a)(8))

Where the regulations concern the filing of campaign finance reports and statements, the Commission must submit a statement explaining and justifying the proposed regulation to the House affected by the regulation, or to both Houses where the regulation concerns Presidential and Vice Presidential reports or public financing audits and records. The House or Houses involved then has 30 days to approve or disapprove the regulation. (2 U.S.C. § 438(c)) (2 U.S.C. § 903g)

3. Investigation and Compliance - Upon receipt of information of an apparent violation, the Commission may refer the matter to the Attorney General or institute criminal proceedings. If the Commission investigates and finds reasonable cause to believe that there has been or will be a violation of the law, it may endeavor to seek compliance through informal means. If this fails, the Commission may seek to enforce the law through civil or criminal proceedings. (2 U.S.C. § 437d(a)(9))

4. Enforcement (2 U.S.C. §437g) -

1. Civil Action: The Commission has primary jurisdiction with respect to civil enforcement of the provisions of the Federal Election Campaign Act and of federal criminal provisions in 18 U.S.C. §§608, 610, 611, 613 through 617. Thus, a person must exhaust his administrative remedies with respect to violations of the Act. The Commission also has general power to initiate, defend or appeal thorough civil proceedings for injunctive, declaratory or other relief any civil action in the name of the Commission for the purpose of enforcing the Act. The Commission is to institute its civil actions in the appropriate United States District Court. However, instead of the Commission instituting civil actions, upon request of the Commission, the Attorney General shall institute a civil action for relief in the appropriate United States District Court. A permanent or temporary injunction will be issued in these matters upon a showing that a person has engaged in or is about to engage in acts which violate this Act.
2. Criminal Action: Apparent violations of Criminal provisions are to be referred to appropriate law enforcement authorities
3. United States Attorney General Report: Where the Commission refers an apparent federal criminal violation to the United States Attorney General, he must report back on any action taken within 60 days of the referral

Advisory Opinions - Upon written request of a federal candidate, officeholder or political committee, the Commission will issue an advisory opinion on whether a specific transaction or activity could constitute a violation of this Act or federal criminal laws. Any person who, receiving an advisory opinion and acting in good faith, relies on such an advisory opinion, shall be deemed in compliance with the law. (2 U.S.C. §437g)

- A. Standing to Review Constitutional Questions - the national committee of any political party, eligible to vote in Presidential elections may in the appropriate United States District Court to constitutionality of this Act or of criminal provisions of political activities.
- B. Certification for Supreme Court Review - Questions of constitutionality are to be certified by the District Court of the United States Court of Appeals. Any decision on a matter so certified shall be reviewable by direct appeal to the Supreme Court.

Presidential Election Campaign Fund was established by Pub. L. 93-443 in 1971 for the payment of qualified campaign expenses incurred by Presidential candidates in a general election campaign (26 U.S.C. § 9006(a)). The Fund is to consist only of money designated by taxpayers through the tax checkoff (26 U.S.C. § 9006(a)). Due to changes made by Pub. L. 93-53 in 1973, the Fund is now nonpartisan. Thus, option formerly available to the taxpayer to specify the political party or separate account to which his checkoff money would go has been eliminated. (26 U.S.C. § 9006(d))

Pub. L. 93-443 extended federal government financing of Presidential campaigns to cover expenses incurred for nominating conventions and to make public funds available for Presidential primary candidates.

A. PRESIDENTIAL NOMINATING CONVENTIONS

Payments from the Fund are granted to the qualifying national committee of each major and minor party to be used to defray expenses incurred by the national committee with respect to a presidential nominating convention. Major party national committees would be entitled to receive up to \$2 million, while minor party national committees would receive a smaller amount based on the number of votes received by the party candidate in the last general election. [Amounts increase annually as the Consumer Price Index increases] (26 U.S.C. § 9008(d)). Major party committee's expenditures with regard to a convention are limited to the amount of public funding received, and the minor party committee's expenditures are limited to the amount equal to a major party committee's funding. The Commission may grant exceptions to the expenditure limitations where there are extraordinary or unforeseen circumstances. However, all national committees are subject to the \$2 million limitation, regardless of whether or not they accept public funding to finance a nominating convention, unless an exception is granted by the Commission. (26 U.S.C. § 9008(d)) Convention financing payments are to be made available before the transfer of funds is made for public financing of a candidate's general election campaign. (26 U.S.C. § 9008(a))

B. PRESIDENTIAL PRIMARIES

1. Presidential Primary Matching Payment Account - Establish Presidential Primary Matching Payment Account in the Presidential Campaign Fund.
2. Eligibility - In order to be eligible to receive public funding, Presidential candidate must make certain agreements relating to keeping, auditing, contribution, and expenditure limitations, the candidate is required to certify that he has received minimum contributions of \$5,000 from residents of at least 20 States, with the condition of a contribution in excess of \$250 from one person could not be received (26 U.S.C. §9033)
3. Entitlement - Candidate entitled to matching payments from the Fund in an amount equal to the first of \$250 received from each contributor during the year of the Presidential election and the preceding year. The Commission would certify payments from the Fund. The total amount of matching payments to a candidate may not exceed 50 per cent of his expenditure limitation. (26 U.S.C. §9034) those contributions necessary to meet the threshold requirement must be matched (26 U.S.C. §9034)
4. Definition of Contribution - The only contribution which will be accepted or which will count toward the minimum contribution level is a gift of money by written instrument identifying the contributor by name and address. (26 U.S.C. §9034)
5. Definition of candidate - For the purpose of receiving matching payments, an individual is regarded as a Presidential candidate if he takes action necessary under State law to qualify for nomination, (b) receives contributions or incurs qualified campaign expenses, (c) gives consent to another person to receive contributions or incur qualified campaign expenses on his behalf. (26 U.S.C. §9034)
6. Availability of Funds - Funds for matching payments are to be made available only after there are enough funds to satisfy public financing entitlements for candidates in general election campaigns and for presidential committees to use in nominating conventions. In making matching payments to candidates of the same political party, the Secretary of the Treasury shall seek to achieve an equitable distribution of available funds. (26 U.S.C. §9037)

eligibility - In order to be eligible to receive public funding, a Presidential candidate must make certain agreements relating to record-keeping, auditing, contribution, and expenditure limitations, etc. (26 U.S.C. §9003)

entitlement (26 U.S.C. §9004)

- a. Major Party Candidate - Entitled to an amount equal to the sum which a Presidential candidate may expend in his general election campaign.
- b. Minor Party Candidate - Entitled to an amount bearing the same ratio to the major party candidate's entitlement as the number of votes received by the minor party's candidate in the preceding Presidential election bears to the average number of votes received by the major party Presidential candidates in the last election.
- c. Non-Major Party Candidate - If a non-major party Presidential candidate received between 5 and 25 per cent of the votes cast for President in the preceding election, he and his Vice Presidential running mate will be entitled to payments on the same basis as minor party candidates.
- d. Minor or New Party Candidate - Minor or new party Presidential candidates receiving 5 per cent of the votes cast for President will receive after the election an amount bearing the same ratio to the major party candidate's entitlement as the number of popular votes received by the candidate bears to the average number of votes received by the major party candidates in the election.
- e. Definitions -
 1. Major Party - Party whose Presidential candidate received at least 25% of votes cast for President in preceding election
 2. Minor Party - Party whose Presidential candidate received between 5 and 25% of votes cast for President in preceding election
 3. Candidate - (a) Presidential nominee of a majority party; or
(b) Individual qualified to have his name or the names of electors pledged to him on the election ballot as the Presidential candidate of a political party in 10 or more States.

Any political committee authorized by the candidate, as well as candidate's principal campaign committee may make qualified campaign expenditures on behalf of the candidate. Where there are not sufficient funds to satisfy the full entitlement of every candidate, payments to candidates must be withheld in order to insure that the eligible candidates of each party will receive a pro rata share of their full entitlement. (26 U.S.C. §9006(d))

D. CERTIFICATION

Commission must certify all public financing payments and its determinations are subject to judicial review by the United States Court of Appeals for the District of Columbia upon petition by any interested person. (26 U.S.C. §§9005, 9008g, 9011, and 9036)

E. SUITS TO IMPLEMENT PUBLIC FINANCING PROVISIONS

The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute suits, including actions for declaratory judgment or injunctive relief, if it may be appropriate to implement or construe any provision relating to public financing in the district courts of the United States.

F. CRIMINAL PENALTIES

Eligible candidates are subject to criminal sanctions for making excessive campaign expenditures, unlawfully accepting private contributions, illegal use of public financing payments, etc. (26 U.S.C. §9012)

INCOME TAX DEDUCTION & CREDIT FOR POLITICAL CONTRIBUTIONS

Under Pub. L. 93-625, enacted on January 3, 1975, the tax credit available for political contributions is increased from \$12.50 to \$25.00 per year and the tax deduction from \$50.00 to \$100.00 per year. (26 U.S.C. §167e)

ch Act provisions dealing with State and local government employees whose principal employment is in connection with a federally funded activity were amended under Pub. L. 93-443 by removing the prohibition against such employees taking an active part in political management campaigns and replacing that prohibition with a prohibition against being a candidate for elective office in a partisan election. This provision does not preempt State laws on political activities of State employees (U.S.C. §1502)

PREEMPTION OF STATE LAW (18 U.S.C. §591 note, 2 U.S.C. §453)

provisions of the Federal Election Campaign Act, including amendments and rules and regulations prescribed by the Commission under the Act, supercede and preempt any provision of State law with respect to a federal office election, except that State laws concerning the political activities of State employees are not superceded.

Sanctions of
Official Con-
duct

- Disclosure report disclosing:
- Amount and source of each item of income exceeding \$100 received by the person or his immediate family;
 - Value of each asset and amount of each liability held or owed by the person or his immediate family;
 - Dealings in securities or commodities by the person or his immediate family; and
 - Purchases or sales of real property by the person or his immediate family

R. 615
Murphy
(N. Y.)
1/14/75
Judiciary

REGISTRATION - FOREIGN LANGUAGE
REGISTRARS:

- Appointment of foreign language speaking registrars required in areas where citizens whose primary language is other than English composed over 7% of the voting population, with less than half of them registered to vote; in the last Presidential election

R. 716
Murphy
(N. Y.)
1/14/75
Post Office
& Civil
Services

INFORMATION ON ELECTIONS - POSTING:

- Requires that information relating to registration and voting be posted in post offices

R. 719
Murphy
(N. Y.)
1/14/75
Post Office
& Civil
Service

GOVERNMENT EMPLOYEES - POLITICAL
ACTIVITIES - HATCH ACT:

- Removes present Hatch Act prohibitions by permitting Federal executive agency employees to take an active part in political campaigns

(N. Y.) 1/14/75 Post Office & Civil Service	- Unlawful for Executive Department officer to require or request a civilian employee to support the nomination or election of anyone to public office, or to support any political party
H. R. 846 Peyser 1/14/75 Post Office & Civil Service	DAY FOR HOLDING ELECTIONS - HOLIDAY: - Makes election day legal public holiday
H. R. 939 Rodino 1/14/75 Judiciary	VOTING RIGHTS ACT OF 1965: - Extends certain provisions of the Act for 10 years and bans the use of tests or devices as a prerequisite to voting
H. R. 1054 Stratton 1/14/75 House Administration	CAMPAIGN FINANCING - POLITICAL BROADCASTING - FREE TIME: - Requires each radio and television station to provide every eligible major or minor party federal office candidate free time
H. R. 1185 Yates 1/14/75 Armed Services	POLITICAL SURVEILLANCE - PROHIBIT: - Members or employees of the military prohibited from attending political meetings, conventions, or other gatherings for the purpose of collecting information on those persons who are present; and from collecting and storing information on the political beliefs of any person

Young (Fla.) 1/14/75 House Administration	- Federal Office Candidates Required to Resign elective public office prior to qualifying as a general election candidate, if the term of the office sought will begin before the term of the office held will end
H. R. 1239 Bennett 1/7/75 Interstate & Foreign Commerce	CAMPAIGN FINANCING - POLITICAL BROADCASTING - PAID POLITICAL ADS: - Prohibit for Presidential candidates FREE BROADCAST TIME: - Require stations to provide free time to major and minor Presidential candidates and present equal time requirements repealed
H. R. 1306 Holt 1/14/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Amends present Hatch Act provisions by permitting Executive agency employees to make voluntary political contributions to all candidates, including Members of Congress and by permitting such employees to take an active part in political campaigns
H. R. 1326 Koch 1/14/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Amends present Hatch Act prohibitions by permitting Federal executive agency employees to take an active part in political campaigns
H. R. 1675 Daniels 1/20/75 Post Office & Civil Service	GOVERNMENT EMPLOYEES - POLITICAL ACTIVITIES - HATCH ACT: - Amends present Hatch Act provisions by permitting Executive agency employees to make voluntary political contributions to all candidates, including Members of Congress

Hays
1/20/75
House Ad-
ministration

- REGISTRATION - VOTER
- Voter Registration Administration established within the General Accounting Office to administer a voter registration program for Federal elections through the Postal Service
 - President to appoint, with the advice and consent of the Senate, an Administrator and two Associate Administrators
 - Administration to collect, analyze, and arrange for the publication and sale by Government Printing Office of information concerning elections in the United States
 - Person who fulfills the requirements to be a qualified voter under State law and who is registered under this Act is entitled to vote in Federal elections held in that State
 - State required to provide for the registration of all of its residents who apply no later than 30 days immediately prior to a Federal election
 - Administration to prepare voter registration forms in sufficient quantities for postal delivery and for public distribution
 - Administration to reimburse State for cost of processing post card registrations for Federal elections, and may also make additional payments to States adopting the post card registration system, but latter payments may not exceed 30% of the cost of reimbursements to the State

ELECTION OFFENSES - VOTER FRAUD:

- Administration to assist State officials when they have reason to believe that individuals who are not qualified electors are attempting to register to vote under this Act and where there is a pattern of fraudulent registration, the Attorney General, upon request of the Administration or a State Official, is authorized to bring a criminal action to enjoin such fraudulent registration
- Crime punishable by \$10,000 fine and 5 years imprisonment for a person to knowingly give

lister
1/20/75
House
Admini-
stration

Amends the duties of the Federal Elections Commission by requiring that it only supervise campaign disclosure requirements and render advisory opinions on the legality of proposed action by a federal office holder, candidate or political committee

CONTRIBUTIONS & EXPENDITURES -

CAMPAIGN COMMITTEES:

- Each candidate must designate one political committee as a central campaign committee to receive all reports made by other committees

CONTRIBUTION LIMITATION:

- \$2,500 - President for individuals

- \$1,000 - Senator or Representative for individuals

- No person, other than an individual, a political party committee or the Democratic or Republican Senatorial or Congressional Campaign Committees, may make contributions to Federal office candidates

H. R. 1714
Mink
1/20/75
Judiciary

PRESIDENT & VICE PRESIDENT - SPECIAL ELECTION - VACANCY:

- In the case where there is neither a President nor Vice President and there is one year or more remaining in the term, Presidential and Vice Presidential electors are to be chosen in each State to select successors

H. R. 1821
Dent
1/23/75
House
Admini-
stration

ABSENTEE BALLOTS - OVERSEAS CITIZENS:

- Citizen residing overseas, not to be denied the right to vote by absentee ballot in Federal elections in any State if he was domiciled in that State prior to his departure and if he is otherwise qualified to vote by absentee ballot

- Each State and election district to provide appropriate procedures for the registration and voting by absentee ballot by overseas citizens

Judiciary
& Stand-
ards of
Official

dent, and federal employees earning \$32,000 or more per year or of the GS-16 level to disclose the following regarding the preceding year: the amount of tax paid, the amount and source of each item of income or gift exceeding \$100; the identity of each asset exceeding \$1,000; any transaction in securities or commodities exceeding \$1,000 and any purchase or sale of real property exceeding \$1,000

H. R. 2148
Hutchinson
1/27/75
Judiciary

VOTING RIGHTS ACT OF 1965:
- Extends certain provisions of the Act

H. R. 2210
Hays
1/28/75
House
Admini-
stration

ABSENTEE BALLOTS - OVERSEAS CITIZENS:
- Citizen residing overseas, not to be denied the right to vote by absentee ballot in Federal elections in any State if he was domiciled in that State prior to his departure and if he is otherwise qualified to vote by absentee ballot
- Each State and election district to provide appropriate procedures for the registration and voting by absentee ballot by overseas citizens who apply not later than 30 days before the election
- Post card registration permitted for overseas citizens
- Criminal penalties provided for the violation of this Act

H. R. 2359
Steelman

Identical to H. R. 2053

1/29/75
Judiciary

a Federal election to a citizen on the grounds that he has been convicted of a Federal offense unless he is confined at the time of the election or unless the crime related to voting or elections

H. R. 2387
Kasten-
meier

Identical to H. R. 2386

H. R. 2428
Danielson
1/30/75
House
Admini-
stration

CAMPAIGN FINANCING - CONTRIBUTIONS -
CORPORATE & LABOR UNION:

- Adds to the present criminal penalties for corporate and labor union contributions by requiring that offenders pay an additional fine equal in amount to the prohibited contributions

H. R. 2465
Quie
1/30/75
House
Admini-
stration

PRIMARY ELECTIONS - PRESIDENTIAL &
VICE PRESIDENTIAL:

- Presidential and Vice Presidential candidates of political parties are to be chosen in a national primary by voters whose registered affiliation is with the party
- Runoff primary to be held where no person in a party receives a majority of popular votes cast

question, 11/11/74.

Elections - Equal protection - Removal of incumbent city manager

2. Bates v. Edwards, docket number 74-420, ruling below L Sup. Ct. 10/15/74.

Delegates to Louisiana Constitutional Convention - "One-man one-vote" rule

3. Beer v. United States, docket number 73-1869, ruling below U.S.D.C. Dist. Col. 3/15/74. Jurisdiction noted 10/15/74.

Redistricting - Discrimination - Voting Rights Act of 1965 Applicability

4. Buck v. Impeach Nixon Committee, docket number 73-204, ruling below C.A. 7, 7/19/74. Granted 10/31/74 and case remanded to Court of Appeals for reconsideration in light of Lehman v. City of Shaker Heights, 418 U.S. ____ (1974).

Political advertising - Public transit - First Amendment

5. Calvert v. State Administrative Board of Election Laws, docket number 74-625, ruling below Maryland Court of Appeals 11/21/74.

Discrimination - Maryland legislative districting plan

6. Cassidy v. Willis, docket number 74-471, ruling below 323 A. 598 (Del. Sup. Ct. 10/2/74). Judgment Affirmed 12/9/74.

Candidates - Filing Fees - Equal Protection

7. Cerezo v. Buro, docket number 74-413, ruling below PR Sup. Ct. 11/10/74.

Candidates - Equal Protection - Freedom of association

D.C. N.D. Review granted 4/29/74. Reversed and
1/27/75.

Apportionment - Equal Protection

The Supreme Court held that the federal court-ordered apportionment plan for the State Legislature must, absent persuasive justifications, "avoid use of multimember districts so a twenty percent variance in population among districts. A federal court-ordered reapportionment plan is, absent a compellingly significant state policy or unique features, "constitutionally impermissible."

9. City of Richmond, Virginia v. United States, docket number 73-1908, ruling below 376 F. Supp. 1344 (D. D.C., 5/29/74). Certiorari Granted 12/16/74.

Voting Rights Act of 1965 - Annexation

10. Cort v. Ash, docket number 73-1908, ruling below 42 L.W. 2559. Certiorari granted 11/11/74.

Corrupt Practices Act - Partisan Corporate Expense Standing

11. Cousins v. Wigoda, docket number 73-1106, ruling below 511 U.S. 3d 460, 301 N.E. 2d 614 (Ill. App. Ct.). Certiorari granted 3/4/74. Reversed 1/15/75.

Political Parties - Election of delegates to national convention

12. East Carroll Parish School Board v. Marshall, docket number 73-861, ruling below ___ F.2d ___ (C.A. 5, 1972). Certiorari granted 1/11/74.

Apportionment - County at-large election - Discrimination

13. Education/Instruction, Inc. v. Moore, docket number 73-1106, ruling below C.A. 2, 11/15/74.

Candidates - Disqualification for Office - Equal Protection

Harris Commissioners Court v. Moore, docket number 73-1475, ruling below, U. S. D. C. S. D. Tex. (1/30/74). Argued 11/11/74. Reversed and Remanded 2/18/75.

Redistricting of justice of peace districts - Discrimination

Hill v. Printing Industries of the Gulf Coast, docket number 74-456, ruling below U. S. D. C. S. D. Tex. 8/20/74.

Campaign Reporting and Disclosure Requirement - Constitutionality

Hill v. Stone, docket number 73-1723, ruling below U. S. D. C. N. D. Tex. Jurisdiction noted 10/15/74. Argued 3/17/74.

Qualifications to Vote - Property Ownership

Hoogasian v. Regional Transportation Authority, docket number 74-315, ruling below Ill. Sup. Ct. 9/20/74. Dismissed for want of a substantial federal question, 11/11/74.

Referendums - Constitutionality of proposition contained in ballot - vagueness

In Re Legislative Districting of State, docket number 73-1900, ruling below Md. Ct. App., 271 Md. 320. Certiorari denied 10/15/74.

Apportionment - Legislative Districting - Equal Protection

Jewell v. Docking, docket number 74-552, ruling below U. S. D. C. Kansas 11/7/74. Affirmed 3/3/75.

Apportionment - Discrimination - Racial gerrymandering

Kanapaux v. Ellison, docket number 74-377, ruling below U. S. D. C. S. C. 10/4/74. Judgment affirmed 10/21/74.

22. McCann v. Lybrand, docket number 74-270, ruling below 4, 9/16/74. Certiorari Denied 11/25/74.

Elections - Apportionment - Discrimination

23. Neale v. Hayduk, docket number 74-719, ruling below 35 2d 182, 316 N.E. 2d 861 (N.Y. Ct. App.). Appeal Dism 2/18/75.

Primary Elections - Change of Residence Across County

24. New York v. United States, docket number 73-1371, below U.S.D.C. Dist. Col. 1/10/74. Affirmed 10/21/74.

Voting Rights Act, Section 5 - Exemptions - Declaratory
ments

25. New York v. United States, docket number 73-1740, below U.S.D.C. Dist. Col. 5/20/74. Affirmed 10/21/74.

Voting Rights Act of 1965 - Discrimination

26. Peters v. Clark, docket number 74-616, ruling below C. 11/19/74.

Apportionment - Discrimination - County Commissioners

27. Philadelphia Housing Authority v. Alderman, docket number 73-2002, ruling below C.A. 3, 7/9/74. Certiorari denied 10/15/74.

Government personnel - Political activity - State agency employees

28. Rendon v. District of Columbia Board of Elections, docket number 74-560, ruling below D.C. Court of Appeals. Certiorari Denied, 1/21/75.

Candidates - Primary Election Ballots - Equal Protection

Richmond, Va. v. United States, docket number 74-201, ruling below U.S. D.C. Dist. Col. 8/29/74.

Voting Rights Act of 1965 - Discrimination - Annexations

Scarrella v. Spannaus, docket number 74-318, U.S.D.C. Minn. 9/21/74.

Candidates - Removal of names from ballots - State judgeships

Smith v. Stewart, docket number 73-1632, ruling below Ill. App. Ct. 125 Dist. 10/12/73. Certiorari denied 10/15/74

Election Contest - Fraud - Voting Irregularities

Staats v. American Civil Liberties Union, docket number 73-1413, ruling below, American Civil Liberties Union v. W. Pat Jennings, (D.D.C. 1974) 366 F. Supp. 1041. Review Granted 6/10/74.

Federal Election Campaign Act - Constitutionality - Freedom of Speech

Stacy v. Mahan, docket number 74-912, ruling below U.S.D.C. E.D. Va. 1/23/75.

Independent Candidates - Discrimination

Sununu v. Stark, docket number 74-885, ruling below U.S.D.C. N.H. Affirmed 3/3/75.

Candidates - Durational Residency Requirement - Seven Years

Virginia v. United States, docket number 74-481 U.S.D.C. Dist. Col. 11/5/74. Affirmed 1/27/75.

Voting Rights Act of 1965 - Coverage - Literacy Tests

The Supreme Court by summary order denied Virginia's request

This case involved the seating of delegates to the 1972 Democratic National Convention. In March, 1972 at the Illinois primary election, Chicago's Democratic voters elected 59 delegates ("Chicago delegates") to the 1972 Convention. At the Convention the "Chicago delegates" challenged the seating of the Wigoda delegates. The Credentials Committee of the National Democratic Party found on the ground that the state-making procedures under which the Chicago delegates were selected violated Party guidelines. On June 1, 1972 the Credentials Committee found that the Wigoda delegates had been chosen in violation of the guidelines.

However, two days before the Convention opened, the Wigoda delegates obtained from the Circuit Court of Cook County, Illinois, an injunction that enjoined the Cousins delegates from being seated at the Convention. However, the Convention proceeded in accordance with the Credentials Committee's recommendations and seated the Chicago delegates who took their seats and participated fully as members throughout the Convention. The Illinois Appellate Court affirmed the injunction, 14 Ill. App. 3d 460, 302 N.E. 2d 614 (1973). The Supreme Court granted certiorari to decide whether the Appellate Court was correct in according primacy to state law over the National Political Party's rules in the determination of the qualifications and eligibility of delegates to the Party's National Convention.

Upon consideration of the question, the Supreme Court affirmed the Appellate Court and held that the Circuit Court erred in granting an injunction that abridged the associational rights of the Chicago delegates and the Democratic Party's right to determine the composition of its National Convention in accordance with party rules and standards. The Court asserted that the States themselves have a constitutionally mandated role in the great task of the selection of Presidential and Vice-Presidential candidates. If the qualifications and eligibility of delegates to National Political Party Conventions were left to state laws, each of the 50 states could establish its own qualifications of its delegates to the various party conventions.

the integrity of its electoral process cannot be deemed compelling in the context of the selection of delegates to the National Party Convention. Whatever the case of actions presenting claims that the party's delegate selection procedures are not exercised within the confines of the Constitution - and no such claims are made here - this is a case where '...the convention itself [was] the proper forum for determining intra-party disputes as to which delegates [should] be seated.' O'Brien v. Brown, 409 U.S. 1, 4 (1972).'

Reapportionment - State Legislature

Chapman v. Meier, ____ U.S. ____ (1975), docket number 73-1406,
decided 1/27/75

This case involved the constitutionality of a federal-court-ordered apportionment of the North Dakota Legislature. A three-judge District Court held that the 1965 reapportionment plan failed to meet constitutional standards and approved another plan that called for five multi-member senatorial districts which contained a 20% population variance between the largest and smallest senatorial districts.

The Supreme Court reversed and remanded the case holding inter alia that, absent persuasive justification, a federal district court in ordering state legislative reapportionment should refrain from imposing multimember districts upon a State. The District Court failed to articulate a significant state interest supporting its departure from the general preference for single-member districts in court-ordered reapportionment plans. The Supreme Court noted that, unless the District Court can articulate such a "singular combination of unique factors" as was found to exist in Mahan v. Howell, 410 U.S. 315, 333, or unless the 1975 Legislative Assembly appropriately acts, the court should proceed expeditiously to reinstate single-member senate districts.

Moreover, it was held that a population deviation of such magnitude in a court-ordered reapportionment plan as the 20% variance involved in this case is constitutionally impermissible absent significant state policies or other acceptable considerations requiring its

District Court's allowance of the 30% variance in the absence of "electorally victimized minorities," the absence of North Dakota's population, by the division of the Missouri River, or by the asserted state posing geographical boundaries and existing political specially when it appears that other, less statistically reapportionment plans already devised are feasible.

Redistricting of Justice of the Peace Districts -

Harris County Commissioners Court v. Moore, ___ U.S. ___
docket number 73-1475, decided 2/18/75

An action was brought to challenge a plan redistricting of the peace precincts in Harris County, Texas. The plan provided for consolidation of several precincts, consequently leaving five justices of the peace and two former constables left without office. These five officials, along with two voters from the precincts, sought to enjoin implementation of the redistricting on the ground that the Texas statute providing for their office at the time of redistricting denied them the effect of the laws. A three-judge District Court granted relief by declaring the statute unconstitutional and by enjoining the implementation. The Supreme Court reversed and remanded the case to the District Court with instructions to dismiss the complaint with

The Supreme Court found that the District Court was precluded from hearing the case pending the determination of the state law questions. The Court noted that, when a federal constitutional claim is premised on an unsettled question of state law, the federal court should stay its hand in order to provide the state courts an opportunity to settle the underlying state law questions and thus avoid the possibility of unnecessarily deciding the federal constitutional question. (Railroad Commission v. Pullman, 312 U.S. 496 (1941)). Moreover, the Court noted that the character of the federal right asserted in this case was such that the availability of the relief sought turned in large part on the resolution of state law questions. Thus, because the federal claim was "entangled in a skein of state law that must be

In this case stockholders of American Telephone and Telegraph Company (AT&T) brought a stockholders' derivative action against the corporation for, inter alia, preliminary and permanent relief against providing further telephone service by the corporation to the Democratic National Committee (DNC) until the corporation was approved by the committee for communications services was approved. The United States District Court for the Eastern District of Pennsylvania (364 F. Supp. 648), dismissed for failure to state a claim. The stockholders appealed. The Court of Appeals reversed the district court's holding that the complaint in which it was alleged that the corporation's decision not to collect debt was violative of the federal prohibition against corporate campaign spending (18 U.S.C. §610). The court was sufficient to state a claim under New York law for breach of the stockholders' fiduciary duty.

The Court of Appeals noted that: "The alleged violation of the federal prohibition against corporate political contribution involves the corporation in criminal activity but simultaneously contravenes a policy of Congress clearly enunciated in 18 U.S.C. §610. That statute and its predecessor reflect congressional efforts (1) to destroy the influence of corporations over elections through political contributions and (2) to check the practice of using corporate funds to benefit political parties without the consent of the stockholders. United States v. CIO, 335 U.S. 106, 113, 1349, 92 L.Ed. 1849 (1948)."

The Court noted that, in proving such a contribution, the stockholders will be required to establish that AT&T did in fact make a gift to the DNC of the value of the communications services provided to the 1968 Democratic convention; they must also establish that the contribution was in connection with a federal election; and they must also convince the factfinder that the gift, when made, was made for the purpose of aiding one candidate or party in a federal election. *Id.*, 764.

An action was brought by plaintiffs for injunctive relief precluding the board of elections from removing their names from the ballot and for a temporary restraining order. The United States District Court for the Eastern District of New York denied relief and the plaintiffs appealed. The Second Circuit Court of Appeals affirmed holding that the trial court properly addressed the federal issues which had not been raised in the state court proceeding as the state court's calendar precluded reargument prior to election, and that the state court's ordering plaintiffs' names removed from ballot as candidates for membership on a political party's state and county committees, due to their improper filing of petitions designating them as candidates for membership on the county committee in more than one election district, was not improper.

The appellants contended that their removal from the ballot would violate their due process and equal protection rights under the fourteenth amendment of the Constitution and would contravene section 5 of the Voting Rights Act of 1965, 42 U.S.C. §1973c. The Court of Appeals held that the Voting Rights Act did not preclude the removal of the plaintiffs' names from the ballot as candidates for membership on the political party's county committees or on the state committee because of the plaintiffs' conduct in improperly filing petitions designating them as candidates for membership on the county committee in more than one election district.

Political Parties - Delegates to State Convention

Redfearn v. Delaware Republican State Committee, 502 F.2d 1123 (C.A. 3, 7/29/74).

Registered voters of a political party brought an action for relief from alleged dilution of their voting rights in the party primary elections for nominees for state-wide office. The United States District Court for the District of Delaware (362 F. Supp. 65), adjudged that internal rules of the political party pertaining to allocation of delegates in the party's state convention denied equal

The Court of Appeals stated: "If a given party chooses to elect delegates by districts, but to allocate delegate strength to the district in which it has fewer numbers but a greater opportunity for the practical advancement of the political ideas for which the association was formed, state action which prohibits that choice is highly suspect. Yet the effect of the court's ruling is that the Delaware statutes under attack prohibit that choice. The statute under attack intrudes its action into the party's internal affairs at the expense of the freedom of association of the party."

It was held that the Board of Election Commissioners, and not the city clerk, had the duty to prepare, print, and deliver the ballots to be used in an election.

Candidates - Arrangement of Names on Ballots

Roof v. Board of Commissioners of Hardin County, 314 N.E. 2d 172, 39 Ohio St. 2d 130 (1974)

The Court held that in accordance with Article 5, §2a of the Ohio Constitution, "perfect rotation" is the rotation of the names of candidates for each office in such a manner that every name will be seen by an equal number of voters at the beginning, at the end, and in each intermediate place, if any, of the group in which such name belongs. The General Assembly or election officials are not free to implement any system of voting machine rotation which they deem proper. The only permissible system of rotation is one which, within reasonable limits of expense, mechanical effort and practicality of operation, most closely approximates perfect rotation.

Candidates - Late Filing of Expenditure Reports

Rogers v. State Election Board, Sup. Ct. of Okla., No. 47,998 decided 12/16/74

The Supreme Court of Oklahoma held that a candidate cannot be disqualified from assuming elected office for violating the state's campaign expenditures act unless actually convicted of violating it. The Court relied upon the decision of State, ex rel. Attorney General v. Freeman, 440 P. 2d 744, 753 (Okla. Sup. Ct. 1968) which held that a person could not be disqualified from holding an office until that person is convicted of the charge (violation of an oath).

The Court noted: "By reason of the express provision of the statute requiring a conviction of the campaign expenditures act before for

election should be issued to the offender.

In essence, the strength of the campaign laws in this State depends upon reasonable laws being passed by the Legislature and enforcement of those laws by the prosecutors. Our three branch system of government does not permit the courts to fill the chasm left by either the laws as passed, or the failure by prosecutorial authorities to enforce those laws."

Criminal Offenders - Absentee Voters

White v. Edgar, 320 A. 2d 668 (Sup. Jud. Ct. of Me. 5/7/74)

The Supreme Judicial Court held that the Maine statute providing that a person serving a sentence in a jail or penal institution is not an absentee voter does not preclude such person from qualification as an "elector" and is thus not inconsistent with the Maine constitutional provision establishing qualifications of electors. The state constitutional provision that the legislature shall authorize and provide for voting by citizens "absent or physically incapacitated for reasons deemed sufficient," modifies "absent" as well as "physically incapacitated", thus, the state statute concerning persons serving sentences in a jail or penal institution is not inconsistent with the constitutional provision for absence voting.

The Court noted that, in its evaluation of the variety of ramifications in the range of details by which the authorization of absentee voting is to be made operative, the Legislature has concluded that "serving a sentence in a jail or penal institution", as a reason for a citizen's "absence" from the municipality during the time the polls are open on election day, is an insufficient reason to afford the citizen the benefit of absentee voting and does not, therefore, produce a transgression of Article II, Section 4 of the Constitution of Maine.

Financial Disclosure - Governmental Ethics Act

People Ex Rel. Downs v. Adams, 59 Ill. 2d 178 (11/18/74)

ce," and candidates who filed such statements at the time their nomination papers were filed complied with the law and were not required to file another such statement after their nomination.

Recount - Opening of Ballot Boxes

Diacobello v. Board of Borough of Mount Union, Huntingdon County,
322 A. 2d 429 (Commonwealth Ct. of Pa. 1974).

It was held that a ballot box could not be opened for a recount where a petition for a recount was duly verified by only one qualified elector and where the statute (Purdon's Pennsylvania Statutes, Title 5, §§3261 and 3261a) provides for the opening of the ballot boxes only if three qualified electors of the election district file a duly verified petition alleging they believe that fraud or error was committed in the computation of the votes.

Campaign Financing - Statement of Contributions Received
sued 6/12/74

States that under §111.011, F.S. ("Statements of Contributions Received by Elected Public Officials"), an elected public officer must report all gratuitous hotel or room accommodations furnished to such officer, or to any person on his or her behalf, the value of such items is in excess of \$25.

Campaign Financing - Statement of Contributions Received
sued 12/20/74

States that under §111.011, F.S. ("Statements of Contributions Received by Elected Public Officials"), no report is required to be made by an elected public officer of payments to "a dinner, banquet, fish fry, or other such event" - including a Christmas party held in honor of such officer - except for payments for events which exceed \$25. Suggests that, unless and until clarified by the Legislature, any gift to an elected public officer of a value in excess of \$25 - unless within one of the exceptions listed above - be reported as a contribution under §111.011, F.S. irrespective of whether such gift is made by a single donor or several donors, each of whom donated an amount less than \$25.

Candidates - Calculating Qualifying Fee of County Officers
sued 6/24/74

States that the "annual salary" for fiscal year 1974-75 of a county office for the purpose of computing the qualification fee committee assessment is the statutory salary prescribed by §145, F.S., for the fiscal year beginning 10/1/74 - i.e. the base rate plus the population increment based on the Department of Administration's annual determination of population - before being "adjusted" to reflect any change in the cost-of-living index preceding 1973-74 fiscal year.

States that the phrase, "to aid or promote his nomination in an election," contained in §104.071(1), F.S. ("Remuneration by candidate for services, support, etc.; penalty."), does not limit its application to primary elections; so the section is applicable to all elections, state or local, provided by law, including nonpartisan municipal elections.

County Government - Reapportionment of Commissioners' Districts
- issued 11/21/74

States that there shall be a mandatory redistricting of county commission districts after each decennial census. If county commissioners decide after a de novo inquiry that the current districts are as nearly equal as practicable and no change is necessary, such a plan must be formally approved by the Commission and the minutes of the meeting forwarded to the Secretary of State.

Elections - Definition of "General Election" - issued 12/20/74

States that for purposes of §106.07(5), F.S. ("Reports; certification and filing."), the general election is "the last election in a given election year in which a candidate...participates," where the candidate is nominated at the first or second primary and is unopposed in the general election. A candidate who has been nominated may receive contributions subsequent to his or her nomination "whether or not the candidate has opposition."

Qualifying Fees - Return to Candidate Whose Name is Removed from Primary Election Ballot - issued 10/31/74

States that the Secretary of State is without authority to refund qualifying fees to a candidate unless he withdraws his candidacy before the last day to qualify.

Recall Elections - Political Advertisements by Groups, Clubs, Associations, Etc. - issued 12/9/74

States that the provisions of §§104.37(5) and 104.373, F.S. ("Political advertisements circulated prior to election; requirements for endorsements by certain groups and organizations."), apply to political advertisements by a group, club, association or other organization (except organizations affiliated with political parties) regulated by Chapter 103, F.S.) for the purpose of endorsing or opposing the recall of a municipal or charter county officer.

Voter Registration - Information Required - Issued 10/31/74

States that a registration officer should not register as an elector a person who refuses to provide the registration officer with his or her birth date.

Voter Registration - "True Name" - issued 11/13/74

States that in registering as an elector an individual must be identified by his or her "true name," i.e., one's given name and surname.

ILLINOIS

INDIANA

INFORMATION ON ELECTIONS

INITIATIVE AND REFERENDUM

IOWA

KANSAS

KENTUCKY

LOUISIANA

MAINE

MARYLAND

MASSACHUSETTS

MICHIGAN

MINNESOTA

MISSISSIPPI

MISSOURI

MONTANA

NEBRASKA

NEVADA

NEW HAMPSHIRE

NORTH CAROLINA

NORTH DAKOTA

OHIO

OKLAHOMA

OREGON

PENNSYLVANIA

POLITICAL ITEMS

POLITICAL PARTIES

POLLING PLACES

PUBLIC OPINION POLLS

PRESIDENTIAL AND VICE PRESIDENTIAL

PRIMARY ELECTIONS

QUALIFICATIONS TO VOTE

REGISTRATION

RESIDENCE REQUIREMENTS

RETURNS

RHODE ISLAND

SOUTH CAROLINA

SOUTH DAKOTA

TIME TO VOTE

UTAH

VERMONT

VIRGINIA

VOTING MACHINES

VOTING RIGHTS ACT OF 1965

WASHINGTON

WEST VIRGINIA

WISCONSIN

WYOMING

ADVERTISING & SOLICITATION

Charge for, Pub. L. 93-443.....
Federal Election Campaign Act of 1971, Spending Limitations,
 American Civil Liberties Union v. W. Pat Jennings.....
 Staats v. American Civil Liberties Union.....
Public Transit, Buck v. Impeach Nixon Committee.....
Recall Elections, Fla. Att'y Gen. Op.

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